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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-338**

11
12 **LISA MAY BERRY, also known as**
13 **LISA MAY REED, also known as**
LISA MAY NEWBORN
14 1905 Atlantic Street, #316
Melbourne Beach, Florida 32951
15 Registered Nurse License No. 515303

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 31, 1995, the Board of Registered Nursing (Board) issued
24 Registered Nurse License Number 515303 to Lisa May Berry, also known as Lisa May Reed, also
25 known as Lisa May Newborn (Respondent). The Registered Nurse License was in full force and
26 effect at all times relevant to the charges brought herein and will expire on October 31, 2010,
27 unless renewed.

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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

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"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

7. Health and Safety Code section 11173, subdivision (a), states:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

DANGEROUS DRUGS/CONTROLLED SUBSTANCES

8. Norco is a form of hydrocodone, otherwise known as vicodin, and is a controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(j), and a dangerous drug pursuant to Business and Professions Code section 4022.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Obtain/Possession of Controlled Substance)

10. Respondent is subject to disciplinary action pursuant to Code sections 2761 subdivision (a)(1) and 2762, subdivision (a), in conjunction with Health and Safety Code section 11173, subdivision (a), in that Respondent obtained and possessed Norco, a controlled substance and dangerous drug as follows:

a. In or between October 2, 2006 and November 28, 2006, while employed at Miller Children’s Hospital, located in Long Beach, California, Respondent dispensed drugs from Pyxis, an automated medication dispenser, without a doctor’s order, and/or, with no patient in her care.

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1 b. On or about October 28, 2006, Respondent obtained, and/or, possessed twelve
2 (12) norco under the names of six patients¹, who did not have physician orders for norco.

3 c. An internal investigation by Miller Children's Hospital revealed that in or
4 between October 2, 2006 and November 28, 2006, Respondent accessed drugs without physician
5 orders on at least twenty-four (24) dates; Respondent accessed drugs and failed to document the
6 retrieval of drugs under patients' medical records on at least twenty-four (24) dates, and that
7 Respondent obtained controlled substances prior to the start of her shift, or within the first eight
8 (8) minutes of the start of her shift on fourteen (14) different work days, unrelated to any patients.

9 d. On or about March 25, 2008, Respondent admitted to taking the controlled
10 substances and dangers drugs from Miller Children's Hospital without authorization.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Use of a Controlled Substance)**

13 11. Respondent is subject to disciplinary action under Code sections 2761, subdivision
14 (a), and 2762, subdivision (b), in that Respondent used a controlled substance and dangerous drug
15 in a manner dangerous or injurious to herself, others and her ability to practice as a nurse.
16 Respondent admitted to self-use of vicodin without a prescription and admitted to practicing
17 nursing at Miller Children's Hospital while impaired.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(FALSE OR INCORRECT MEDICAL RECORDS)**

20 12. Respondent is subject to disciplinary action under Code sections 2761, subdivision
21 (a), and 2762, subdivision (e), on the grounds of unprofessional conduct, in that Respondent made
22 grossly incorrect entries in the medical records of six (6) patients, by removing the controlled
23 substance and dangerous drug Norco under the patients' names from Pyxis, as more fully
24 discussed in paragraph 10, above, which is in herein incorporated by reference as set forth in
25 whole.

26 ¹ Patient names are omitted for purposes of privacy. The patients referred to herein are
27 referenced by the following Medical Record (MR) numbers: MR#111136670003;
28 MR#042396630012; MR#015475720008; MR#020481310034; MR#111164990004; and,
MR#111019300004.

1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 515303, issued to Lisa
5 May Berry, also known as Lisa May Reed, also known as Lisa May Newborn;

6 2. Ordering Lisa May Berry, also known as Lisa May Reed, also known as Lisa May
7 Newborn, to pay the Board of Registered Nursing the reasonable costs of the investigation and
8 enforcement of this case, pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 1/14/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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